IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

APPEAL BRIEF FOR THE APPELLANT

Ex parte Aki NIEMI, *et al.*

A METHOD AND SYSTEM TO SUBSCRIPTION OF EVENTS USING SIP PROTOCOL

Serial No. 10/517,533
Confirmation No. 8981
Appeal No.:
Group Art Unit: 2618

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Enclosure: Appeal Brief

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In re the Appellant: Aki NIEMI	Confirmation No.: 8981
Appeal No.:	Art Unit: 2618
Application No.: 10/517,533	Examiner: Fayyaz Alam
Filed: January 4, 2005	Attorney Dkt. No.: 059864.01572

For: A METHOD AND SYSTEM TO SUBSCRIPTION OF EVENTS USING SIP PROTOCOL

BRIEF ON APPEAL

January 19, 2010

I. INTRODUCTION

This is an appeal from the final rejection set forth in an Official Action dated March 17, 2009, finally rejecting claims 1-41, all of the claims pending in this application. Claims 38 and 39 were rejected under 35 USC §101 and under 35 USC §112, first paragraph. Claims 1-6, 11-23, 25-29 and 34-41 were rejected as allegedly being unpatentable under 35 U.S.C. §103(a) over Bobde (U.S. Patent Publication No. 2003/0217142) ("Bobde") in view of Holt (U.S. Patent Publication No. 2008/0244026) ("Holt"). Claims 8, 9, 31 and 32 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over Bobde in view of Holt and further in view of "IMPS – Instant Messaging and Presence using SIP" of Donovan ("Donovan"). A Request for Reconsideration was timely filed on June 9, 2009. An Advisory Action was issued on June 23, 2009, indicating that the subject application was not in condition for allowance. A Notice of Appeal was timely filed on August 6, 2009 with petition for Extension of Time. This Appeal Brief is being timely filed.

II. REAL PARTY IN INTEREST

The real party in interest in this application is Nokia Corporation.

III. STATEMENT OF RELATED APPEALS AND INTERFERENCES

There are no known related appeals and/or interferences which will directly effect or be directly effected by or have a bearing on the Board's decision in this appeal.

IV. STATUS OF CLAIMS

Claims 1-41, all of the claims pending in the present application are the subject of this appeal.

V. STATUS OF AMENDMENTS

No claim amendments were made in response to the final Office Action. The Advisory Action of June 23, 2009 indicated that the Response filed on June 9, 2009 was considered, but did not place the application in condition for allowance.

VI. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1, upon which claims 2-10 are dependent, recites a method that includes maintaining, in a first network element of a communication system, registration information from a plurality of users (Specification, page 10, lines 18-20, page 11, lines 28-29). The method also includes maintaining, in a second network element of the communication system, information associated with said plurality of users (Specification, page 10, lines 8-9). The second network element information comprising a record of registration information that is separate from the registration maintained in the first network element (Specification, page 11, lines 13-17). The second network element is separate from the first network element (Specification, page 10, lines 8-9, page 11, lines 13-14). The second network element information is dependent on the registration information (Specification, page 11, lines 13-17). The method also includes sending a subscribe message for an event from the second network element to the first network element (Specification, page 11, lines 30-31). The event is a change in the registration information of at least one of the plurality of users at the first network element (Specification, page 11, lines 30-31, page 12, lines 20-23). The method also includes receiving at the first network element a register message from at least one user, the message changing the registration information of said at least one user (Specification, page 12, lines 12-17, page 12, lines 20-23). The method also includes sending a notification from the first network element to the second network element in response to the register message (Specification, page 12, lines 18-19). The notification includes information associated with said at least one user (Specification, page 12, lines 16-17). The information associated with said at least one user comprising registration status

information of a network device operated by said user (Specification, page 12, lines 16-17, and lines 30-32, page 13, lines 1-3, and lines 6-9).

Claim 11, upon which claims 12-16 are dependent, recites a system that includes a first network element configured to maintain registration information from a plurality of users (Specification, page 10, lines 18-20, page 11, lines 28-29). The system also includes a second network element configured to maintain information associated with the plurality of users (Specification, page 10, lines 8-9). The second network element information comprising a record of registration information that is separate from the registration maintained in the first network element (Specification, page 11, lines 13-17). The second network element is separate from the first network element (Specification, page 10, lines 8-9, page 11, lines 13-14). The second network element information is dependent on the registration information (Specification, page 11, lines 13-17). The second network element is configured to send a subscribe message for an event to the first network element (Specification, page 11, lines 30-31). The first network element is configured to receive a register message from at least one user, said register message configured to change the registration information of said at least one user (Specification, page 12, lines 12-17, page 12, lines 20-23). The event is associated with a change in the registration information of at least one of the plurality of users at the first network element (Specification, page 11, lines 30-31, page 12, lines 20-23). The first network element is configured to send a notification from the first network element to the second network element in response to the register message (Specification, page 12, lines 18-19). The notification includes information associated with said at least one user (Specification, page 12, lines 16-17). The information associated with said at least one user comprising

registration status information of a network device operated by said user (Specification, page 12, lines 16-17, and lines 30-32, page 13, lines 1-3, and lines 6-9).

Claim 17, upon which claims 19-23 are dependent, recites an apparatus that includes storage circuitry configured to maintain registration information from a plurality of users (Specification, page 8, lines 22-23, page 10, lines 18-20, page 11, lines 28-29). The apparatus also includes receiving circuitry configured to receive a subscribe message for an event from a network element (Specification, page 8, 32, to page 9, lines 1-6). The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information (Specification, page 10, lines 8-9 and page 11, lines 13-17). The network element is separate from the apparatus and the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus (Specification, page 11, lines 13-17). The apparatus also includes receiving circuitry configured to receive a register message from at least one user (Specification, page 9, lines 6-16). The register message configured to change the registration information of said at least one user (Specification, page 9, lines 6-16). The apparatus also includes transmitting circuitry configured to send a notification to the network element in response to the register message (Specification, page 11, lines 30-31). The notification includes information associated with said at least one user, the information associated with the at least one user comprising registration status information of a network device operated by said user (Specification, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9).

Claim 18, upon which claims 25-33 are dependent, recites an apparatus that

includes storage circuitry configured to maintain information associated with a plurality of users (Specification, page 8, lines 22-23, page 10, lines 18-20, page 11, lines 28-29). The information is dependent on registration information maintained at a network element (Specification, page 8, line 32, to page 9, line 3, and page 10, line 29, to page 11, line 6). The network element is separate from the apparatus (Specification, page 11, lines 13-17). The apparatus also includes transmitting circuitry configured to send a subscribe message for an event to the network element (Specification, page 11, lines 9-11). The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and the network element information is dependent on the registration information (Specification, page 10, lines 8-9 and page 11, lines 13-17). The event is associated with a change in the registration information of at least one of the plurality of users at the network element (Specification, page 10, line 29, to page 11, line 6, and page 11, lines 13-17). The apparatus also includes receiving circuitry configured to receive a notification from the network element (Specification, page 11, lines 8-11). The notification includes information associated with the at least one user (Specification, page 11, lines 8-11, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9). The information associated with the at least one user comprising registration status information of a network device operated by said user (Specification, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9).

Claim 34 recites a method that includes maintaining, in a registrar server network element of a communication system, registration information from a plurality of users (Specification, page 10, lines 18-20, page 11, lines 28-29). The method also includes

maintaining, in a presence server network element of the communication system separate from the registrar server network element, information associated with said plurality of users (Specification, page 10, lines 8-9). The presence network element information comprising a record of registration information that is separate from the registration maintained in the registrar network element wherein the presence server network element information is dependent on the registration information (Specification, page 11, lines 13-17). The method also includes sending a subscribe message for an event from the presence server network element to the registrar server network element (Specification, page 11, lines 30-31). The event is a change in the registration information of at least one of the plurality of users at the registrar server network element (Specification, page 11, lines 30-31, page 12, lines 20-23). The method also includes receiving at the registrar server network element a register message from at least one user, the message changing the registration information of said at least one user (Specification, page 12, lines 12-17, page 12, lines 20-23). The method also includes sending a notification from the registrar server network element to the presence server network element in response to the register message (Specification, page 12, lines 18-19). The notification includes information associated with the at least one user (Specification, page 12, lines 16-17). The information associated with the at least one user comprising registration status information of a network device operated by said user (Specification, page 12, lines 16-17, and line 30-32, page 13, lines 1-3, and lines 6-9).

Claim 35 recites a system that includes a registrar server network element configured to maintain registration information from a plurality of users (Specification, page 10, lines 18-20, page 11, lines 28-29). The system also includes a presence server

network element configured to maintain information associated with said plurality of users (Specification, page 10, lines 8-9). The presence network element information comprising a record of registration information that is separate from the registration maintained in the registrar network element (Specification, page 11, lines 13-17). The presence server network element is separate from the registrar service network element and the presence server network element information is dependent on the registration information (Specification, page 10, lines 8-9, page 11, lines 13-17). The presence server network element is configured to send a subscribe message for an event to the registrar server network element (Specification, page 11, lines 30-31). The registrar server network element is configured to receive a register message from at least one user, said register message configured to change the registration information of said at least one user (Specification, page 12, lines 12-17, page 12, lines 20-23). The event is associated with a change in the registration information of at least one of the plurality of users at the registrar server network element (Specification, page 11, lines 30-31, page 12, lines 20-23). The registrar server network element is configured to send a notification from the registrar server network element to the presence server network element in response to the register message (Specification, page 12, lines 18-19). The notification includes information associated with the at least one user (Specification, page 12, lines 16-17). The information associated with the at least one user comprising registration status information of a network device operated by the user (Specification, page 12, lines 16-17, and line 30-32, page 13, lines 1-3, and lines 6-9).

Claim 36 recites an apparatus that includes storage circuitry configured to maintain registration information from a plurality of users (Specification, page 8, lines 22-23, page

10, lines 18-20, page 11, lines 28-29). The apparatus also includes receiving circuitry configured to receive a subscribe message for an event from a presence server network element (Specification, page 8, 32, to page 9, lines 1-6). The presence server network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus (Specification, page 10, lines 8-9 and page 11, lines 13-17). The network element information is dependent on the registration information (Specification, page 10, lines 8-9 and page 11, lines 13-17). The presence server network element is separate from the apparatus (Specification, page 11, lines 13-17). The event is associated with a change in the registration information of at least one of the plurality of users at the apparatus (Specification, page 11, lines 13-17). The apparatus also includes receiving circuitry configured to receive a register message from at least one user (Specification, page 9, lines 6-16). The register message configured to change the registration information of the at least one user (Specification, page 9, lines 6-16). The transmitting circuitry is configured to send a notification to the presence server network element in response to the register message (Specification, page 11, lines 30-31). The notification includes information associated with the at least one user (Specification, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9). The information associated with the at least one user including registration status information of a network device operated by said user (Specification, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9).

Claim 37 recites an apparatus that includes storage circuitry configured to maintain information associated with a plurality of users (Specification, page 8, lines 22-23, page 10, lines 18-20, page 11, lines 28-29). The information is dependent on registration

information maintained at a registrar server network element (Specification, page 8, line 32, to page 9, line 3, and page 10, line 29, to page 11, line 6). The registrar server network element is separate from the apparatus (Specification, page 11, lines 13-17). The apparatus also includes transmitting circuitry configured to send a subscribe message for an event to the registrar server network element (Specification, page 11, lines 9-11). The presence server network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and the network element information is dependent on the registration information (Specification, page 10, lines 8-9 and page 11, lines 13-17). The event is associated with a change in the registration information of at least one of the plurality of users at the registrar server network element (Specification, page 10, line 29, to page 11, line 6, and page 11, lines 13-17). The apparatus also includes receiving circuitry configured to receive a notification from the registrar server network element (Specification, page 11, lines 8-11). The notification includes information associated with the at least one user (Specification, page 11, lines 8-11, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9). The information associated with the at least one user including registration status information of a network device operated by the user (Specification, page 11, lines 8-11, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9).

Claim 39 recites a computer program embodied on a computer readable medium, said computer program configured to control a processor to perform maintaining, in a first network element of a communication system, registration information from a plurality of users (Specification, page 7, lines 23-33, page 9, lines 30-32, FIG. 4, page 10, lines

18-20, page 11, lines 28-29). The computer program is also configured to control the processor to perform maintaining also includes maintaining, in a second network element of the communication system, information associated with said plurality of users (Specification, page 10, lines 8-9). The second network element information comprising a record of registration information that is separate from the registration maintained in the first network element (Specification, page 11, lines 13-17). The second network element is separate from the first network element (Specification, page 10, lines 8-9, page 11, lines 13-14). The second network element information is dependent on the registration information (Specification, page 11, lines 13-17). The computer program is also configured to control the processor to perform sending a subscribe message for an event from the second network element to the first network element (Specification, page 11, lines 30-31). The event is a change in the registration information of at least one of the plurality of users at the first network element (Specification, page 11, lines 30-31, page 12, lines 20-23). The computer program is also configured to control the processor to perform receiving at the first network element a register message from at least one user, the message changing the registration information of said at least one user (Specification, page 12, lines 12-17, page 12, lines 20-23). The computer program is also configured to control the processor to perform sending a notification from the first network element to the second network element in response to the register message (Specification, page 12, lines 18-19). The notification includes information associated with said at least one user (Specification, page 12, lines 16-17). The information associated with said at least one user comprising registration status information of a network device operated by said user (Specification, page 12, lines 16-17, and line 30-32, page 13, lines 1-3, and lines 6-9).

Claim 40 recites an apparatus that includes storing means for storing registration information from a plurality of users (Specification, page 8, lines 22-23, page 10, lines 18-20, page 11, lines 28-29). The apparatus also includes first receiving means for receiving a subscribe message for an event from a network element (Specification, page 8, 32, to page 9, lines 1-6). The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information (Specification, page 10, lines 8-9 and page 11, lines 13-17). The network element is separate from the apparatus and the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus (Specification, page 11, lines 13-17). The apparatus also includes second receiving means for receiving a register message from at least one user (Specification, page 9, lines 6-16). The register message configured to change the registration information of said at least one user (Specification, page 9, lines 6-16). The apparatus also includes transmitting means for transmitting a notification to the network element in response to the register message (Specification, page 11, lines 30-31). The notification includes information associated with said at least one user, the information associated with the at least one user comprising registration status information of a network device operated by said user (Specification, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9).

Claim 41 recites an apparatus that includes storing means for storing information associated with a plurality of users (Specification, page 8, lines 22-23, page 10, lines 18-20, page 11, lines 28-29). The information is dependent on registration information

maintained at a network element (Specification, page 8, line 32, to page 9, line 3, and page 10, line 29, to page 11, line 6). The network element is separate from the apparatus (Specification, page 11, lines 13-17). The apparatus also includes transmitting means for transmitting a subscribe message for an event to the network element (Specification, page 11, lines 9-11). The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and the network element information is dependent on the registration information (Specification, page 10, lines 8-9 and page 11, lines 13-17). The event is associated with a change in the registration information of at least one of the plurality of users at the network element (Specification, page 10, line 29, to page 11, line 6, and page 11, lines 13-17). The apparatus also includes receiving means for receiving a notification from the network element (Specification, page 11, lines 8-11). The notification includes information associated with the at least one user (Specification, page 11, lines 8-11, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9). The information associated with the at least one user comprising registration status information of a network device operated by said user (Specification, page 12, lines 16-19 and lines 30-32, page 13, lines 1-3, and lines 6-9).

VII. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed on appeal are

the rejection of claims 38 and 39 under §101 for allegedly being directed to non-statutory subject matter claims;

the rejection of claims 38 and 39 for allegedly failing to comply with 35 USC §112, first paragraph;

the rejection of claims 1-6, 11-23, 25-29 and 34-41 as allegedly being unpatentable under 35 U.S.C. §103(a) over Bobde (U.S. Patent Publication No. 2003/0217142) ("Bobde") in view of Holt (U.S. Patent Publication No. 2008/0244026) ("Holt"); and

the rejection of claims 8, 9, 31 and 32 under 35 U.S.C. 103(a) for allegedly being unpatentable over Bobde in view of Holt and further in view of "IMPS – Instant Messaging and Presence using SIP" of Donovan ("Donovan").

VIII. APPELLANT'S ARGUMENTS

Appellant respectfully submits that each of pending claims 1-41 recites subject matter that is not taught, disclosed, or suggested by the cited art. Each of the claims is being argued separately, and thus, each of the claims stands or falls alone.

A. Claims 38 and 39 recite statutory subject matter

As an initial matter, Appellants submit that all of the Appellants arguments were not addressed and the Office Action is incomplete. In view of the incomplete remarks presented in the Office Action, Appellants submitted in the Response that all of the Appellants arguments were not addressed and the Office Action was incomplete. In the Office Action dated March 17, 2009, there was no indication that the rejection of claims 38 and 39 under 35 U.S.C. §101, or, under 35 U.S.C. §112, first paragraph, was considered. Appellants provided detailed reasons why both rejections should have been withdrawn. However, the substance of such arguments were not addressed.

In response, the Advisory Action alleged that "Applicant presented newly amended claims that included the amendment of claim 38 and 39. Therefore, arguments with respect to such newly amended claims are moot and the finality of the action was proper." Appellants respectfully submit that the Advisory Action seems to confuse the criteria set forth by the MPEP requiring a complete and clear examiner's action (See MPEP 707.07 and MPEP 707.07(f)). Chapter 7, §707.07(f) of the MPEP, for instance, clearly enunciates the examiner's burden of providing clear explanations and providing answer the substance of the applicant's arguments. Specifically chapter 7, §707.07(f) of the MPEP provides that "In order to provide a complete application file history and to enhance

the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application. Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment. Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." Neither the MPEP, case law, or patent law, provide a waiver of the requirement of an examiner to answer all material traversed by an Applicant when the claims are amended. All material traversed by an applicant should be addressed by the examiner. Otherwise, it will render the Office Action incomplete and nonresponsive.

In the Office Action dated March 17, 2009, there is no indication that the rejection of claims 38 and 39 under 35 U.S.C. §101, or, under 35 U.S.C. §112, first paragraph, has been considered. Appellants provided detailed reasons why both rejections must be withdrawn. However, the substance of such arguments has not been addressed. Accordingly, the finality of the Office Action was improper and should have been withdrawn.

The Office Action rejected claims 38 and 39 under §101 for allegedly being directed to non-statutory subject matter. The rejection alleged that the computer readable medium is not defined in the specification. The rejection also alleged that claims 38 and 39 will be considered non-statutory subject matter absent support in the specification. This rejection is respectfully traversed.

What is disclosed in the specification has no bearing on patentability under the statutory classes of invention governed by 35 U.S.C. §101. Furthermore, "A computer

readable medium" is statutory subject matter under U.S. patent laws. Support for the definition of a computer readable medium is provided by *In re Lowry*, 32 F.3d 1579, 1583-1854, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994), which states:

> "When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" (see §2106.01 of the MPEP).

As can be clearly observed from the court's decision in *Lowry* a computer readable medium is statutory subject matter under §101. By having software recorded on a computer readable medium, it becomes structural and functional with respect to that medium, and, thus, statutory subject matter. Withdrawal of the rejection is kindly requested.

B. Claims 38 and 39 are definite

In the Office Action, claims 38 and 39 were rejected under §112, first paragraph, because the computer readable medium is not defined in the specification and is, thus, non-statutory subject matter absent support in the specification. This rejection is respectfully traversed. Referring the Examiner to FIG. 4 of the present application, a process is illustrated which defines a new event package for event registrations of a user to be implemented by a registrar and used by a presence server 303. The user may be a computer terminal 123 or laptop 112 which may include a computer readable medium (see lines 23-33 of page 7 of the specification). A computer readable medium may be regarded as a computer memory which a computer terminal 123 or laptop 112 is certain

to include. Or, one of ordinary skill in the art is certain to conclude that a computer terminal 123 or laptop 112 includes a computer readable medium in order to carry out the functions of such a computing device.

As for the presence server 303, the presence server interfaces with the shared resource 204 which provides storage for the presence information (see last 3 lines of page 9 of the specification). The presence server 303 also may be a computer readable medium because it also has a memory. Among the various operations performed in claims 38 and 39, each of these operations is performed with reference to the computer readable mediums provided by the presence server and/or the user. Therefore, the specification provides support for a computer readable medium, and claims 38 and 39 are in compliance with §112, first paragraph. Allowance of claims 38 and 39 is kindly requested.

C. Claims 1-6, 11-23, 25-29 and 34-41 are non-obvious in view of Bobde and Holt

The Office Action rejected claims 1-6, 11-23, 25-29 and 34-41 under 35 U.S.C. §103(a) as being unpatentable over Bobde (U.S. Patent Publication No. 2003/0217142) in view of Holt (U.S. Patent Publication No. 2008/0244026). The Office Action took the position that Bobde discloses all of the elements of the claims, with the exception of sending a message for an event from a second network element to a first network element, wherein the event is a change in registration information of at least one of the plurality of users at the first network element. The Office Action then cited Holt as allegedly curing this deficiency in Bobde.

Appellants respectfully submit that each of claims 1-6, 11-23, 25-29 and 34-41 recites subject matter that is neither disclosed nor suggested in the combination of Bobde and Holt, and as such, the Board's reversal of the rejection is respectfully requested.

i. Claim 1

Claim 1, upon which claims 2-10 are dependent, recites a method that includes maintaining, in a first network element of a communication system, registration information from a plurality of users. The method also includes maintaining, in a second network element of the communication system, information associated with said plurality of users. The second network element information comprising a record of registration information that is separate from the registration maintained in the first network element. The second network element is separate from the first network element. The second network element information is dependent on the registration information. The method also includes sending a subscribe message for an event from the second network element to the first network element. The event is a change in the registration information of at least one of the plurality of users at the first network element. The method also includes receiving at the first network element a register message from at least one user, the message changing the registration information of said at least one user. The method also includes sending a notification from the first network element to the second network element in response to the register message. The notification includes information associated with said at least one user. The information associated with said at least one user comprising registration status information of a network device operated by said user.

Bobde generally relates to a method and system for supporting the communication

of presence information regarding one or more telephony devices. More specifically, Bobde discusses a system for detecting and communicating the presence of one or more computing devices. Bobde also discusses a method and system for aggregating presence information generated by multiple devices associated with a single user. Bobde describes a single server acting as a presence agent and a registration agent.

Bobde also discloses a single server 102 acting as both a presence agent and a registration agent. Referring to FIG. 3 of Bobde, the server 102 includes a registration program 154 and a presence agent 152 as part of the server 102. In other words, Bobde describes a single network element (i.e., server 102) upon which a first presence application can be run and a second registration agent can also be run. Both agents have access to the same information source of the server 102.

Bobde fails to disclose "maintaining, in a first network element...registration information from a plurality of users...maintaining, in a second network element...information associated with said plurality of users, said second network element information comprising a record of registration information that is separate from the registration maintained in the first network element, wherein the second network element is separate from the first network element...and...said information associated with said at least one user comprising registration status information of a network device operated by said user", as recited, in part, in independent claim 1 and similarly in independent claims 11, 17, 18 and 34-41.

Independent claim 1 recites two separate network elements (e.g., a first network element and a second network element, or, a presence server and a registrar server). Independent claim 1 also recites that there are two "separate" pieces of registration

information. Bobde illustrates a single registration application "R" used by the entire server 102. Although, in Bobde, the presence agent 152 is illustrated as being in direct communication with the registration application 154, whatever registration information is used by the presence agent 152 or any other part of the server 102, that information is certainly only stored in the registration application 154. In other words, there is no second "separate" registration information provided anywhere.

In addition to the above-noted deficiencies of Bobde, the type of system illustrated in Bobde is similar to the type of system that is disclosed in the specification as being prior art (see FIG. 2 of the present application). Referring to FIG. 2, the single network entity 206 includes a registrar 203 and a presence server 205 in the same network element. FIG. 3 of the present application illustrates two separate network entities 301 and 303, which include the registrar 302 and the presence server 304. The independent claims clearly recite that there are two separate network entities similar to FIG. 3. Bobde does not disclose two separate network entities that both keep records of registration related information. In addition to the above-noted deficiencies of Bobde, Holt further fails to cure those deficiencies.

Furthermore, contrary to the contentions made in the Office Action, Holt does not cure the deficiencies of Bodbe. Therefore, a combination of both references, would fail to teach or suggest all the claimed recitations. For instance, Holt discloses a system for providing presence and availability status information from a first user to a second user. The system includes a presence availability server for storing presence and availability status information. The presence availability server detects a change in presence status and/or availability of the first user, and informs a notification server of the change in status

of the first user. In turn, the notification server sends the status change information of the first user to the second user. The Office Action alleged that Holt discloses sending a subscribe message for an event from the second network element to the first network element (see paragraphs [0019] and [0025] of Holt). Referring to FIG. 1 in Holt, it appears that the Office Action has relied on the signaling from the presence availability server (i.e., second network element) to notification server (i.e., first network element) as allegedly disclosing the features recited in claim 1. According to Holt, the presence availability server sends a change in the presence status of a user to a notification server. Contrary to the example disclosed in Holt, in the present patent application, registrar server (i.e., first network element) maintains the registration information of the user and the presence server (i.e., second network element). In addition, the presence server subscribes to the registrar server to obtain changes in presence and registration status of the user. The registrar server (i.e., first network element) would then notify presence server (i.e., second network element) of any changes in the presence status of the user.

Independent claim 1 of the present application recites "sending a subscribe message for an event from the second network element to the first network element, wherein the event is a change in the registration information of at least one of the plurality of users...receiving at the first network element a register message from at least one user, said message changing the registration information of said at least one user...sending a notification from the first network element to the second network element in response to the register message." In the present application, the registrar server maintains the user registration information and the presence server subscribes to the registrar server for the changes in presence status of the user. In addition, the registrar

server sends a notification to the presence server when changes occur.

In Holt, there is no registrar server as described in the present patent application. Holt discloses that a presence availability server that detects a change in status of a user and then sends a notification to a notification server so that the notification server can inform a different user. Holt discloses that a presence availability server is configured to detect a change in presence or availability status of the user (see Abstract of Holt). The change is detected without a registrar server contacting the presence server. Holt does not disclose any type of separate registrar server. The presence notification server in Holt provides its own determination scheme to obtain status information.

Therefore, Holt does not disclose or suggest "sending a subscribe message for an event from the second network element to the first network element, wherein the event is a change in the registration information of at least one of the plurality of users...receiving at the first network element a register message from at least one user, said message changing the registration information of said at least one user...sending a notification from the first network element to the second network element in response to the register message", as recited in independent claim 1.

Therefore, Appellants submit that Bobde and Holt, taken individually or in combination, fail to disclose all of the subject matter of independent claim 1.

For at least the reasons discussed above, Appellant respectfully submits that the combination of Bobde and Holt fails to disclose or suggest all of the elements of independent claim 1. Accordingly, Appellants respectfully request that the rejection of independent claim 1 be withdrawn.

ii. Claim 2

Claim 2 is dependent upon claim 1, and recites additional limitations. Thus, claim 2 is patentable at least for the reasons claim 1 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

iii. Claim 3

Claim 3 is dependent upon claim 2, and recites additional limitations. Thus, claim 3 is patentable at least for the reasons claim 2 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

iv. Claim 4

Claim 4 is dependent upon claim 3, and recites additional limitations. Thus, claim 4 is patentable at least for the reasons claim 3 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

v. Claim 5

Claim 5 is dependent upon claim 4, and recites additional limitations. Thus, claim 5 is patentable at least for the reasons claim 4 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

vi. Claim 6

Claim 6 is dependent upon claim 1, and recites additional limitations. Thus, claim 6 is patentable at least for the reasons claim 1 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

vii. Claim 7

Claim 7 is dependent upon claim 6, and recites additional limitations. Thus, claim 7 is patentable at least for the reasons claim 6 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

viii. Claim 8

Claim 8 is dependent upon claim 1, and recites additional limitations. Thus, claim 8 is patentable at least for the reasons claim 1 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

ix. Claim 9

Claim 9 is dependent upon claim 8, and recites additional limitations. Thus, claim 9 is patentable at least for the reasons claim 8 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be

reversed and this claim allowed.

x. Claim 10

Claim 10 is dependent upon claim 8, and recites additional limitations. Thus, claim 10 is patentable at least for the reasons claim 8 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xi. Claim 11

Claim 11, upon which claims 12-16 are dependent, recites a system that includes a first network element configured to maintain registration information from a plurality of users. The system also includes a second network element configured to maintain information associated with the plurality of users. The second network element information comprising a record of registration information that is separate from the registration maintained in the first network element. The second network element is separate from the first network element. The second network element information is dependent on the registration information. The second network element is configured to send a subscribe message for an event to the first network element. The first network element is configured to receive a register message from at least one user, said register message configured to change the registration information of said at least one user. The event is associated with a change in the registration information of at least one of the plurality of users at the first network element. The first network element is configured to send a notification from the first network element to the second network element in

response to the register message. The notification includes information associated with said at least one user. The information associated with said at least one user comprising registration status information of a network device operated by said user.

Appellants respectfully submit that claim 11 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 11 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 11 because Bobde and Holt, individually or combined, fail to disclose or suggest, at least, "a first network element configured to maintain registration information from a plurality of users; and a second network element configured to maintain information associated with said plurality of users, said second network element information comprising a record of registration information that is separate from the registration maintained in the first network element, wherein the second network element is separate from the first network element and wherein said second network element information is dependent on the registration information,...wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user," as recited in independent claim 11. It is respectfully requested that the rejection of claim 11 be reversed and the

claim be allowed.

xii. Claim 12

Claim 12 is dependent upon claim 11, and recites additional limitations. Thus, claim12 is patentable at least for the reasons claim 11 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xiii. Claim 13

Claim 13 is dependent upon claim 12, and recites additional limitations. Thus, claim 13 is patentable at least for the reasons claim 12 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xiv. Claim 14

Claim 14 is dependent upon claim 13, and recites additional limitations. Thus, claim 14 is patentable at least for the reasons claim 13 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xv. Claim 15

Claim 15 is dependent upon claim 14, and recites additional limitations. Thus, claim 15 is patentable at least for the reasons claim 14 is patentable, and further, because

it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xvi. Claim 16

Claim 16 is dependent upon claim 11, and recites additional limitations. Thus, claim 16 is patentable at least for the reasons claim 11 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xvii. Claim 17

Claim 17, upon which claims 19-23 are dependent, recites an apparatus that includes storage circuitry configured to maintain registration information from a plurality of users. The apparatus also includes receiving circuitry configured to receive a subscribe message for an event from a network element. The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information. The network element is separate from the apparatus and the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus. The apparatus also includes receiving circuitry configured to receive a register message from at least one user. The register message configured to change the registration information of said at least one user. The apparatus also includes transmitting circuitry configured to send a notification to the network element in response to the register message. The notification includes

information associated with said at least one user, the information associated with the at least one user comprising registration status information of a network device operated by said user.

Appellants respectfully submit that claim 17 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 17 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 17 because Bobde and Holt, individually or combined, fail to disclose or suggest, at least, "receiving circuitry configured to receive a subscribe message for an event from a network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information, wherein the network element is separate from the apparatus and wherein the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus;...transmitting circuitry configured to send a notification to the network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said

user.," as recited in independent claim 17. It is respectfully requested that the rejection of claim 17 be reversed and the claim be allowed.

xviii. Claim 18

Claim 18, upon which claims 25-33 are dependent, recites an apparatus that includes storage circuitry configured to maintain information associated with a plurality of users. The information is dependent on registration information maintained at a network element. The network element is separate from the apparatus. The apparatus also includes transmitting circuitry configured to send a subscribe message for an event to the network element. The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and the network element information is dependent on the registration information. The event is associated with a change in the registration information of at least one of the plurality of users at the network element. The apparatus also includes receiving circuitry configured to receive a notification from the network element. The notification includes information associated with the at least one user. The information associated with the at least one user comprising registration status information of a network device operated by said user.

Appellants respectfully submit that claim 18 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as

recited in independent claim 18 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 18 because Bobde and Holt, individually or combined, fail to disclose or suggest, at least, "transmitting circuitry configured to send a subscribe message for an event to the network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information, wherein the event is associated with a change in the registration information of at least one of the plurality of users at the network element; and receiving circuitry configured to receive a notification from the network element, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user," as recited in independent claim 18. It is respectfully requested that the rejection of claim 18 be reversed and the claim be allowed.

xix. Claim 19

Claim 19 is dependent upon claim 17, and recites additional limitations. Thus, claim 19 is patentable at least for the reasons claim 17 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xx. Claim 20

Claim 20 is dependent upon claim 19, and recites additional limitations. Thus, claim 20 is patentable at least for the reasons claim 19 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxi. Claim 21

Claim 21 is dependent upon claim 20, and recites additional limitations. Thus, claim 21 is patentable at least for the reasons claim 20 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxii. Claim 22

Claim 22 is dependent upon claim 21, and recites additional limitations. Thus, claim 22 is patentable at least for the reasons claim 21 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxiii. Claim 23

Claim 23 is dependent upon claim 17, and recites additional limitations. Thus, claim 23 is patentable at least for the reasons claim 17 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxiv. Claim 24

Claim 24 is dependent upon claim 23, and recites additional limitations. Thus, claim 24 is patentable at least for the reasons claim 23 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxv. Claim 25

Claim 25 is dependent upon claim 18, and recites additional limitations. Thus, claim 25 is patentable at least for the reasons claim 18 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxvi. Claim 26

Claim 26 is dependent upon claim 25, and recites additional limitations. Thus, claim 26 is patentable at least for the reasons claim 25 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxvii. Claim 27

Claim 27 is dependent upon claim 26, and recites additional limitations. Thus, claim 27 is patentable at least for the reasons claim 26 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection

be reversed and this claim allowed.

xxviii. Claim 28

Claim 28 is dependent upon claim 27, and recites additional limitations. Thus, claim 28 is patentable at least for the reasons claim 27 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxix. Claim 29

Claim 29 is dependent upon claim 18, and recites additional limitations. Thus, claim 29 is patentable at least for the reasons claim 18 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxx. Claim 30

Claim 30 is dependent upon claim 29, and recites additional limitations. Thus, claim 30 is patentable at least for the reasons claim 29 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxxi. Claim 31

Claim 31 is dependent upon claim 18, and recites additional limitations. Thus, claim 31 is patentable at least for the reasons claim 18 is patentable, and further, because

it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxxii. Claim 32

Claim 32 is dependent upon claim 31, and recites additional limitations. Thus, claim 32 is patentable at least for the reasons claim 31 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxxiii. Claim 33

Claim 33 is dependent upon claim 31, and recites additional limitations. Thus, claim 33 is patentable at least for the reasons claim 31 is patentable, and further, because it recites additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and this claim allowed.

xxxiv. Claim 34

Claim 34 recites a method that includes maintaining, in a registrar server network element of a communication system, registration information from a plurality of users. The method also includes maintaining, in a presence server network element of the communication system separate from the registrar server network element, information associated with said plurality of users. The presence network element information comprising a record of registration information that is separate from the registration maintained in the registrar network element wherein the presence server network

element information is dependent on the registration information. The method also includes sending a subscribe message for an event from the presence server network element to the registrar server network element. The event is a change in the registration information of at least one of the plurality of users at the registrar server network element. The method also includes receiving at the registrar server network element a register message from at least one user, the message changing the registration information of said at least one user. The method also includes sending a notification from the registrar server network element to the presence server network element in response to the register message. The notification includes information associated with the at least one user. The information associated with the at least one user comprising registration status information of a network device operated by said user.

Appellants respectfully submit that claim 34 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 34 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 34. It is respectfully requested that the rejection of claim 34 be reversed and the claim be allowed.

xxxv. Claim 35

Claim 35 recites a system that includes a registrar server network element configured to maintain registration information from a plurality of users. The system also includes a presence server network element configured to maintain information associated with said plurality of users. The presence network element information comprising a record of registration information that is separate from the registration maintained in the registrar network element. The presence server network element is separate from the registrar service network element and the presence server network element information is dependent on the registration information. The presence server network element is configured to send a subscribe message for an event to the registrar server network element. The registrar server network element is configured to receive a register message from at least one user, said register message configured to change the registration information of said at least one user. The event is associated with a change in the registration information of at least one of the plurality of users at the registrar server network element. The registrar server network element is configured to send a notification from the registrar server network element to the presence server network element in response to the register message. The notification includes information associated with the at least one user. The information associated with the at least one user comprising registration status information of a network device operated by the user.

Appellants respectfully submit that claim 35 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as

recited in independent claim 34 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 35. It is respectfully requested that the rejection of claim 35 be reversed and the claim be allowed.

xxxvi. Claim 36

Claim 36 recites an apparatus that includes storage circuitry configured to maintain registration information from a plurality of users. The apparatus also includes receiving circuitry configured to receive a subscribe message for an event from a presence server network element. The presence server network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus. The network element information is dependent on the registration information. The presence server network element is separate from the apparatus. The event is associated with a change in the registration information of at least one of the plurality of users at the apparatus. The apparatus also includes receiving circuitry configured to receive a register message from at least one user. The register message configured to change the registration information of the at least one user. The transmitting circuitry is configured to send a notification to the presence server network element in response to the register message. The notification includes information associated with the at least one user. The information associated with the at least one user including registration status information of a network device operated by said user.

Appellants respectfully submit that claim 36 recites features that are neither

disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 36 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 36. It is respectfully requested that the rejection of claim 36 be reversed and the claim be allowed.

xxxvii. Claim 37

Claim 37 recites an apparatus that includes storage circuitry configured to maintain information associated with a plurality of users. The information is dependent on registration information maintained at a registrar server network element. The registrar server network element is separate from the apparatus. The apparatus also includes transmitting circuitry configured to send a subscribe message for an event to the registrar server network element. The presence server network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and the network element information is dependent on the registration information. The event is associated with a change in the registration information of at least one of the plurality of users at the registrar server network element. The apparatus also includes receiving circuitry configured to receive a notification from the registrar server network element. The notification includes information associated

with the at least one user. The information associated with the at least one user including registration status information of a network device operated by the user.

Appellants respectfully submit that claim 37 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 34 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 37. It is respectfully requested that the rejection of claim 37 be reversed and the claim be allowed.

xxxviii. Claim 38

Claim 37 recites an apparatus that includes storage circuitry configured to maintain information associated with a plurality of users. The information is dependent on registration information maintained at a registrar server network element. The registrar server network element is separate from the apparatus. The apparatus also includes transmitting circuitry configured to send a subscribe message for an event to the registrar server network element. The presence server network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and the network element information is dependent on the registration information. The event is associated with a change in the registration

information of at least one of the plurality of users at the registrar server network element. The apparatus also includes receiving circuitry configured to receive a notification from the registrar server network element. The notification includes information associated with the at least one user. The information associated with the at least one user including registration status information of a network device operated by the user.

Appellants respectfully submit that claim 38 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 34 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 38. It is respectfully requested that the rejection of claim 38 be reversed and the claim be allowed.

xxxix. Claim 39

Claim 39 recites a computer program embodied on a computer readable medium, said computer program configured to control a processor to perform maintaining, in a first network element of a communication system, registration information from a plurality of users. The computer program is also configured to control the processor to perform maintaining also includes maintaining, in a second network element of the communication system, information associated with said plurality of users. The second network element

information comprising a record of registration information that is separate from the registration maintained in the first network element. The second network element is separate from the first network element. The second network element information is dependent on the registration information. The computer program is also configured to control the processor to perform sending a subscribe message for an event from the second network element to the first network element. The event is a change in the registration information of at least one of the plurality of users at the first network element. The computer program is also configured to control the processor to perform receiving at the first network element a register message from at least one user, the message changing the registration information of said at least one user. The computer program is also configured to control the processor to perform sending a notification from the first network element to the second network element in response to the register message. The notification includes information associated with said at least one user. The information associated with said at least one user comprising registration status information of a network device operated by said user.

Appellants respectfully submit that claim 39 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 39 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt

fail to disclose or suggest all of the features of independent claim 39. It is respectfully requested that the rejection of claim 39 be reversed and the claim be allowed.

xl. Claim 40

Claim 40 recites an apparatus that includes storing means for storing registration information from a plurality of users. The apparatus also includes first receiving means for receiving a subscribe message for an event from a network element. The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information. The network element is separate from the apparatus and the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus. The apparatus also includes second receiving means for receiving a register message from at least one user. The register message configured to change the registration information of said at least one user. The apparatus also includes transmitting means for transmitting a notification to the network element in response to the register message. The notification includes information associated with said at least one user, the information associated with the at least one user comprising registration status information of a network device operated by said user.

Appellants respectfully submit that claim 40 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using

the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 40 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 40. It is respectfully requested that the rejection of claim 40 be reversed and the claim be allowed.

xli. Claim 41

Claim 41 recites an apparatus that includes storing means for storing information associated with a plurality of users. The information is dependent on registration information maintained at a network element. The network element is separate from the apparatus. The apparatus also includes transmitting means for transmitting a subscribe message for an event to the network element. The network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and the network element information is dependent on the registration information. The event is associated with a change in the registration information of at least one of the plurality of users at the network element. The apparatus also includes receiving means for receiving a notification from the network element. The notification includes information associated with the at least one user. The information associated with the at least one user comprising registration status information of a network device operated by said user.

Appellants respectfully submit that claim 41 recites features that are neither disclosed nor suggested in Bobde and Holt.

Appellants respectfully submit that Bobde and Holt fail to disclose or suggest at least the features of the second processing unit configured to identify the sender using the first signal-generated location information, and to confirm an identity of the sender as recited in independent claim 41 for the same reasons stated above in **Section VIII.C.(i)** for independent claim 1.

Based at least on the above, Appellants respectfully submit that Bobde and Holt fail to disclose or suggest all of the features of independent claim 41. It is respectfully requested that the rejection of claim 41 be reversed and the claim be allowed.

D. Claims 8, 9, 31 and 32 are novel over Bobde in view of Holt and further in view of "IMPS – Instant Messaging and Presence using SIP" of Donovan ("Donovan").

i. Claim 8

Claim 8 depends from independent claim 1 and further limits independent claim 1. Furthermore, claim 8 recites, "sending, by a third network element, a subscribe message to the second network element for information associated with said at least one user." Because Bodbe and Holt do not disclose the particular features of the configuration of the method recited in independent claim 1 as submitted in Section VIII.C.(i), Bodbe and Holt also do not disclose the features of claim 8.

Donovan generally relates to Instant Messaging and Presence using SIP (IMPS), and was not cited with regard to the above-discussed features with respect to which the

combination of Bobde and Holt is deficient.

However, Donovan fails to remedy the above-identified deficiencies of Bobde and Holt because Donovan also fails to disclose "sending a subscribe message for an event from the second network element to the first network element, wherein the event is a change in the registration information of at least one of the plurality of users...receiving at the first network element a register message from at least one user, said message changing the registration information of said at least one user...sending a notification from the first network element to the second network element in response to the register message", as recited in independent claim 1.

Thus, Donovan cannot remedy the deficiencies of Bobde and Holt and the combination of Bobde, Holt, and Donovan fails to disclose or suggest all of the elements of claim 8. The rejection of claim 8 should, accordingly, be reversed.

ii. Claim 9

Claim 9 depends from independent claim 1 and further limits independent claim 1. Furthermore, claim 9 recites, "sending, by the second network element, a notification to the third network element in response to the notification received at the second network element, wherein said sent notification by the second network element includes information associated with said at least one user." Because Bobde and Holt do not disclose the particular features of the configuration of the method recited in independent claim 1 as submitted in Section VIII.C.(i), Bobde and Holt also do not disclose the features of claim 9.

As stated above in Section VIII.D.(i) Donovan is silent as to teaching or suggesting,

at least, "sending a subscribe message for an event from the second network element to the first network element, wherein the event is a change in the registration information of at least one of the plurality of users...receiving at the first network element a register message from at least one user, said message changing the registration information of said at least one user...sending a notification from the first network element to the second network element in response to the register message", as recited in independent claim 1. Thus, Donovan cannot remedy the deficiencies of Bobde and Holt and the combination of Bobde, Holt, and Donovan fails to disclose or suggest all of the elements of claim 9. The rejection of claim 9 should, accordingly, be reversed.

ii. Claim 31

Claim 31 depends from independent claim 18 and further limits independent claim 18. Furthermore, claim 31 recites, "wherein a second network element sends a subscribe message to the apparatus for information associated with said at least one user." Because Bobde and Holt do not disclose the particular features of the configuration of the method recited in independent claim 18 as submitted in Section VIII.C.(xviii), Bobde and Holt also do not disclose the features of claim 31.

As stated above in Section VIII.D.(i) Donovan is silent as to teaching or suggesting, at least, "transmitting circuitry configured to send a subscribe message for an event to the network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information, wherein the event is associated with a change in the registration information of at least

one of the plurality of users at the network element; and receiving circuitry configured to receive a notification from the network element, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user", as recited in independent claim 18. Thus, Donovan cannot remedy the deficiencies of Bobde and Holt and the combination of Bobde, Holt, and Donovan fails to disclose or suggest all of the elements of claim 31. The rejection of claim 31 should, accordingly, be reversed.

ii. Claim 32

Claim 32 depends from independent claim 18 and further limits independent claim 18. Furthermore, claim 32 recites, "wherein the apparatus sends a notification to the second network element in response to the notification received at the apparatus, wherein said sent notification includes information associated with said at least one user." Because Bobde and Holt do not disclose the particular features of the configuration of the method recited in independent claim 18 as submitted in Section VIII.C.(xviii), Bobde and Holt also do not disclose the features of claim 32.

As stated above in Section VIII.D.(i) Donovan is silent as to teaching or suggesting, at least, "transmitting circuitry configured to send a subscribe message for an event to the network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information, wherein the event is associated with a change in the registration information of at least

one of the plurality of users at the network element; and receiving circuitry configured to receive a notification from the network element, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user", as recited in independent claim 18. Thus, Donovan cannot remedy the deficiencies of Bobde and Holt and the combination of Bobde, Holt, and Donovan fails to disclose or suggest all of the elements of claim 32. The rejection of claim 32 should, accordingly, be reversed.

X. CONCLUSION

For all of the above noted reasons, it is strongly contended that certain clear differences exist between the present invention as claimed in claims 1-39 and the prior art relied upon by the Examiner. It is further contended that these differences are more than sufficient that the present invention would not have been obvious to a person having ordinary skill in the art at the time the invention was made.

This final rejection being in error, therefore, it is respectfully requested that this honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of application claims 1-39.

In the event that this paper is not being timely filed, the Appellant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees which may be due with respect to this paper may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,
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Encls: Appendix 1 - Claims on Appeal
Appendix 2 - Evidence
Appendix 3 - Related Proceedings

APPENDIX 1

CLAIMS ON APPEAL

1. (Previously Presented) A method, comprising:

maintaining, in a first network element of a communication system, registration information from a plurality of users;

maintaining, in a second network element of the communication system, information associated with said plurality of users, said second network element information comprising a record of registration information that is separate from the registration maintained in the first network element, wherein the second network element is separate from the first network element and wherein said second network element information is dependent on the registration information;

sending a subscribe message for an event from the second network element to the first network element, wherein the event is a change in the registration information of at least one of the plurality of users at the first network element;

receiving at the first network element a register message from at least one user, said message changing the registration information of said at least one user; and

sending a notification from the first network element to the second network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

2. (Previously Presented) The method as claimed in claim 1, further comprising:

defining an event package associated with said event.

3. (Previously Presented) The method as claimed in claim 2, further comprising: configuring the first network element to be a registrar.

4. (Previously Presented) The method as claimed in claim 3, wherein the sending the subscribe message for the change in registration information relates to presence information.

5. (Previously Presented) The method as claim in claim 4, further comprising: configuring the second network element to be a presence server.

6. (Previously Presented) The method as claimed in claim 1, further comprising: operating the system in accordance with a session initiation protocol.

7. (Previously Presented) The method as claimed in claim 6, wherein the sending the subscribe message comprises sending a session initiation protocol SUBSCRIBE message, and the sending the notification comprises sending a session initiation protocol NOTIFY message.

8. (Previously Presented) The method as claimed in claim 1, further comprising: sending, by a third network element, a subscribe message to the second network element for information associated with said at least one user.

9. (Previously Presented) The method as claimed in claim 8, further comprising:

sending, by the second network element, a notification to the third network element in response to the notification received at the second network element, wherein said sent notification by the second network element includes information associated with said at least one user.

10. (Previously Presented) The method as claimed in claim 8, further comprising:

configuring the third network element to be an application server.

11. (Previously Presented) A system, comprising:

a first network element configured to maintain registration information from a plurality of users; and

a second network element configured to maintain information associated with said plurality of users, said second network element information comprising a record of registration information that is separate from the registration maintained in the first network element, wherein the second network element is separate from the first network element and wherein said second network element information is dependent on the registration information,

wherein said second network element is configured to send a subscribe message for an event to the first network element,

wherein said first network element is configured to receive a register message from at least one user, said register message configured to change the registration

information of said at least one user,

wherein the event is associated with a change in the registration information of at least one of the plurality of users at the first network element,

wherein said first network element is configured to send a notification from the first network element to the second network element in response to the register message, and

wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

12. (Previously Presented) The system as claimed in claim 11, further comprising:

an event package associated with said event.

13. (Previously Presented) The system as claimed in claim 12, wherein the first network element is a registrar.

14. (Previously Presented) The system as claimed in claim 13, wherein said register message configured to change the registration information relates to presence information.

15. (Previously Presented) The system as claimed in claim 14, wherein the second network element is a presence server.

16. (Previously Presented) The system as claimed in claim 11, wherein the

system is configured to operate in accordance with a session initiation protocol.

17. (Previously Presented) An apparatus, comprising:

storage circuitry configured to maintain registration information from a plurality of users;

receiving circuitry configured to receive a subscribe message for an event from a network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information, wherein the network element is separate from the apparatus and wherein the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus;

receiving circuitry configured to receive a register message from at least one user, said register message configured to change the registration information of said at least one user; and

transmitting circuitry configured to send a notification to the network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

18. (Previously Presented) An apparatus, comprising:

storage circuitry configured to maintain information associated with a plurality of users, wherein said information is dependent on registration information maintained at a

network element, wherein the network element is separate from the apparatus;

transmitting circuitry configured to send a subscribe message for an event to the network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information, wherein the event is associated with a change in the registration information of at least one of the plurality of users at the network element; and

receiving circuitry configured to receive a notification from the network element, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

19. (Previously Presented) The apparatus as claimed in claim 17, wherein an event package is defined, the event package being associated with said event.

20. (Previously Presented) The apparatus as claimed in claim 19, wherein the apparatus is a registrar.

21. (Previously Presented) The apparatus as claimed in claim 20, wherein the change in registration information relates to presence information.

22. (Previously Presented) The apparatus as claimed in claim 21, wherein the network element is a presence server.

23. (Previously Presented) The apparatus as claimed in claim 17, wherein the system operates in accordance with a session initiation protocol.

24. (Previously Presented) The apparatus as claimed in claim 23, wherein the subscribe message comprises a session initiation protocol SUBSCRIBE message, and the notification comprises a session initiation protocol NOTIFY message.

25. (Previously Presented) The apparatus as claimed in claim 18, where an event package is defined, and the event package being associated with said event.

26. (Previously Presented) The apparatus as claimed in claim 25, wherein the network element is a registrar.

27. (Previously Presented) The apparatus as claimed in claim 26, wherein the change in registration information relates to presence information.

28. (Previously Presented) The apparatus as claimed in claim 27, wherein the apparatus is a presence server.

29. (Previously Presented) The apparatus as claimed in claim 18, wherein the system operates in accordance with a session initiation protocol.

30. (Previously Presented) The apparatus as claimed in claim 29, wherein the subscribe message comprises a session initiation protocol SUBSCRIBE message, and the notification comprises a session initiation protocol NOTIFY message.

31. (Previously Presented) The apparatus as claimed in claim 18, wherein a second network element sends a subscribe message to the apparatus for information associated with said at least one user.

32. (Previously Presented) The apparatus as claimed in claim 31, wherein the apparatus sends a notification to the second network element in response to the notification received at the apparatus, wherein said sent notification includes information associated with said at least one user.

33. (Previously Presented) The apparatus as claimed in claim 31, wherein the second network element is an application server.

34. (Previously Presented) A method, comprising:

maintaining, in a registrar server network element of a communication system, registration information from a plurality of users;

maintaining, in a presence server network element of the communication system separate from the registrar server network element, information associated with said plurality of users, said presence network element information comprising a record of registration information that is separate from the registration maintained in the registrar

network element wherein said presence server network element information is dependent on the registration information;

sending a subscribe message for an event from the presence server network element to the registrar server network element, wherein the event is a change in the registration information of at least one of the plurality of users at the registrar server network element;

receiving at the registrar server network element a register message from at least one user, said message changing the registration information of said at least one user; and

sending a notification from the registrar server network element to the presence server network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

35. (Previously Presented) A system, comprising:

a registrar server network element configured to maintain registration information from a plurality of users; and

a presence server network element configured to maintain information associated with said plurality of users, said presence network element information comprising a record of registration information that is separate from the registration maintained in the registrar network element wherein the presence server network element is separate from the registrar service network element and wherein said presence server network element

information is dependent on the registration information,

wherein said presence server network element is configured to send a subscribe message for an event to the registrar server network element,

wherein said registrar server network element is configured to receive a register message from at least one user, said register message configured to change the registration information of said at least one user,

wherein the event is associated with a change in the registration information of at least one of the plurality of users at the registrar server network element,

wherein said registrar server network element is configured to send a notification from the registrar server network element to the presence server network element in response to the register message, and

wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

36. (Previously Presented)An apparatus, comprising:

storage circuitry configured to maintain registration information from a plurality of users;

receiving circuitry configured to receive a subscribe message for an event from a presence server network element, said presence server network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information, wherein the presence server network element

is separate from the apparatus and wherein the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus;

receiving circuitry configured to receive a register message from at least one user, said register message configured to change the registration information of said at least one user; and

transmitting circuitry configured to send a notification to the presence server network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

37. (Previously Presented) An apparatus, comprising:

storage circuitry configured to maintain information associated with a plurality of users, wherein said information is dependent on registration information maintained at a registrar server network element, wherein the registrar server network element is separate from the apparatus;

transmitting circuitry configured to send a subscribe message for an event to the registrar server network element, said presence server network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information wherein the event is associated with a change in the registration information of at least one of the plurality of users at the registrar server network element; and

receiving circuitry configured to receive a notification from the registrar server network element, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

38. (Previously Presented) A computer program embodied on a computer readable medium, said computer program configured to control a processor to perform:

maintaining, in a first network element of a communication system, registration information from a plurality of users;

maintaining, in a second network element of the communication system, information associated with said plurality of users, said second network element information comprising a record of registration information that is separate from the registration maintained in the first network element wherein the second network element is separate from the first network element and wherein said second network element information is dependent on the registration information;

sending a subscribe message for an event from the second network element to the first network element, wherein the event is a change in the registration information of at least one of the plurality of users at the first network element;

receiving at the first network element a register message from at least one user, said message changing the registration information of said at least one user; and

sending a notification from the first network element to the second network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated with said

at least one user comprising registration status information of a network device operated by said user.

39. (Previously Presented) A computer program embodied on a computer readable medium, said computer program configured to control a processor to perform:

maintaining, in a registrar server network element of a communication system, registration information from a plurality of users;

maintaining, in a presence server network element of the communication system separate from the registrar server network element, information associated with said plurality of users, said presence network element information comprising a record of registration information that is separate from the registration maintained in the registrar network element wherein said presence server network element information is dependent on the registration information;

sending a subscribe message for an event from the presence server network element to the registrar server network element, wherein the event is a change in the registration information of at least one of the plurality of users at the registrar server network element;

receiving at the registrar server network element a register message from at least one user, said message changing the registration information of said at least one user; and

sending a notification from the registrar server network element to the presence server network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated

with said at least one user comprising registration status information of a network device operated by said user.

40. (Previously Presented) An apparatus, comprising:

storing means for storing registration information from a plurality of users;

first receiving means for receiving a subscribe message for an event from a network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information wherein the network element is separate from the apparatus and wherein the event is associated with a change in the registration information of at least one of the plurality of users at the apparatus;

second receiving means for receiving a register message from at least one user, said register message configured to change the registration information of said at least one user; and

transmitting means for transmitting a notification to the network element in response to the register message, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

41. (Previously Presented) An apparatus, comprising:

storing means for storing information associated with a plurality of users, wherein said information is dependent on registration information maintained at a network

element, wherein the network element is separate from the apparatus;

transmitting means for transmitting a subscribe message for an event to the network element, said network element maintaining information comprising a record of registration information that is separate from the registration maintained in the apparatus and said network element information is dependent on the registration information wherein the event is associated with a change in the registration information of at least one of the plurality of users at the network element; and

receiving means for receiving a notification from the network element, wherein the notification includes information associated with said at least one user, said information associated with said at least one user comprising registration status information of a network device operated by said user.

APPENDIX 2

EVIDENCE APPENDIX

No evidence under section 37 C.F.R. 1.130, 1.131, or 1.132 has been entered or will be relied upon by Appellants in this appeal.

APPENDIX 3

RELATED PROCEEDINGS APPENDIX

No decisions of the Board or of any court have been identified under 37 C.F.R. §41.37(c)(1)(ii).